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BOOK REVIEWS

The Law of Real Property. By Raleigh Colston Minor, Professor of Law in the University of Virginia, and John Wurts, Professor of Law in Yale University.

How often one hears a law student say: "I know nothing about 'real property'; it is all confused." The same thought is frequently confessed by members of the bar; and more often unconfessed. Can this too common lack of knowledge in this important branch of the law be wholly attributed to the shortcomings of the student? Assuredly not. The cause lies elsewhere.

The subject of real property, besides being the most difficult, has been in nearly every instance heretofore presented in text-book form, which defies more than the weakest grasp to the student who is obliged to confine his preparatory period for nearly all the branches of the law to three years. Knowing little about real property upon finishing his course, he soon knows less.

And yet numerous able treatises have been written on real property. No other branch of the law has received closer attention from men of brains. But the common fault of the productions of these men has been treatises—not text-books.

A treatise may be a text-book; if so, the student is fortunate. But all treatises are not text-books. Treatises on the law of real property are not text-books. Unfortunately, however, it has been the lot of most law students to have the former served up to them as the latter. The student has been shown the common law rules, the natural changes in the law in this country, the English statutory modifications and the various modifications in the several States, the latter often being nearly as numerous as the States themselves. What is the result? The student says with less shame than regret, "I know nothing about 'real property'; it is all confused."

But the situation is, we think, relieved. In the book of Professor Minor and Professor Wurts, the student's need is recognized and satisfied. The work has for its foundation the most

able treatise upon the law of real property by Professor Minor. In the hands of Professor Wurts this scholarly treatise has assumed a real text-book form, written expressly for law students. In his capacity as a teacher, the author has recognized that it is neither possible nor desirable to undertake to teach the changes in the law of real property that have been made in all the States. What the law is in a particular jurisdiction can better be taught from a book treating the general law of real property, supplemented by the local statutes, than from a book which attempts to show what the law is in every State, a method which not only tends to confusion but throws an intolerable burden upon the instructor, if he is unwise enough to pursue in his lectures the many ramifications worked by the statutes of the several States.

The apparent purpose of this book is to state the common law of real property, showing wherein it has been modified in this country, as contrary to the fundamental laws and the spirit of our institutions, and to set out only such statutory changes as are common to all the States.

It was the present writer's good fortune to study the law of real property under Professor Wurts. The lucidity with which he explained the deeper problems of law and the ease with which he smoothed out the difficulties arising from the study of books none too illuminating are easily recognizable in the present work.

The authors' complete grasp of the subject, their thoroughness of analysis, their powers of demonstration, and the care with which they have avoided ambiguous statements make the book, we believe, the cleanest cut exposition of the common law of real property that has been produced in this country. *A. M. C.*

The Civil Code of the German Empire. Translated by Walter Loewy. Boston Book Co. 1909.

This is the second translation of the *Bürgerliche Gesetzbuch* of 1900 into English. In several particulars it differs from the first, by Dr. Chung Hui Wang, which was published in London in 1907. Unlike that, it is accompanied by an historical sketch of the development of codification in Germany, and explanations of the relation of the new code to the pre-existent customary law; both useful adjuncts. It lacks, on the other hand, the two val-